



**DECLARATION
IN ORIGINAL APPLICATION**

Attorney Docket No.
M81.12-0060

SPECIFICATION AND INVENTORSHIP IDENTIFICATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and Joint inventor of the subject matter which is claimed, and for which a patent is sought, on the invention entitled METHOD AND APPARATUS FOR REPLACING KNEE-JOINT the specification of which,

(check one) ☐ is attached hereto.

☒ was filed on July 18, 2003 as Appln. No. _____.

☐ and was amended on _____.

☐ was described and claimed in PCT International Application

No. _____ filed on _____ and as amended under PCT Article 19 on _____.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is known to me to be material to the patentability of this application in accordance with 37 C.F.R. § 1.56.

PRIORITY CLAIM (35 U.S.C. § 119)

Prior Foreign Application(s)

I claim foreign priority benefits under 35 U.S.C. § 119(a-d) of any foreign application(s) for patent or inventor's certificate listed below, each of which is incorporated by reference in its entirety, and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Number	Country	Day/Month/Year Filed	Priority Claimed	
_____	_____	_____	Yes <input type="checkbox"/>	No <input type="checkbox"/>
_____	_____	_____	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States Provisional Application(s) listed below, each of which is incorporated by reference in its entirety:

Number	Day/Month/Year Filed
<u>60/396,850</u>	<u>July 18, 2002</u>
_____	_____

PRIORITY CLAIM (35 U.S.C. § 120)

I claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below, each of which is incorporated by reference in its entirety. Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Appln. No.	U.S. Appln. No. (if any under PCT)	Filing Date	Status
_____	_____	_____	_____
_____	_____	_____	_____

DECLARATION

I declare that all statements made herein that are of my own knowledge are true and that all statements that are made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DESIGNATION OF CORRESPONDENCE ADDRESS

Please address all correspondence and telephone calls to Z. Peter Sawicki in care of:

WESTMAN, CHAMPLIN & KELLY, P.A.
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

Inventor: Christopher Lee Berg Date: 7-24-03
(Signature)
Inventor: Christopher Lee Berg
(Printed Name)
Residence: Blaine, MN Citizenship: U.S.A.
P.O. Address: 1029 Paul Parkway NE, #103

Inventor: Todd William Sharratt Date: 7/24/03
(Signature)
Inventor: Todd William Sharratt
(Printed Name)
Residence: Birchwood, MN Citizenship: U.S.A.
P.O. Address: 613 Wildwood Avenue

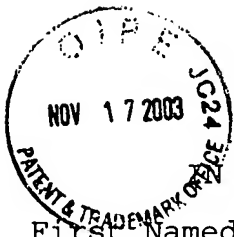
Inventor: 
(Signature)

Date: July 24, 2003

Inventor: Steven Mark LeVahn
(Printed Name)

Residence: Lino Lakes, MN Citizenship: U.S.A.

P.O. Address: 1501 Sherman Lake Road



THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Christopher Lee Berg et al.

Appln. No.:

Filed :

For : METHOD AND APPARATUS FOR
REPLACING KNEE-JOINT

Docket No.: M81.12-0060

Group Art Unit:

Examiner:

STATEMENT UNDER 37 C.F.R. § 3.73 (b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER IS BEING
SENT BY U.S. MAIL, FIRST CLASS, TO THE
COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450, THIS

13th DAY OF November, 2003.
3 Patent Attorney
PATENT ATTORNEY

Sir:

Minnesota Scientific, Inc., a Minnesota corporation, is the owner of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel____, Frame____, or a copy of which is attached.

OR

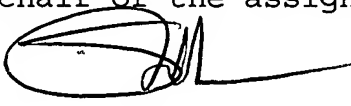
B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From:_____ To:_____
The document was recorded in the Patent and Trademark Office at Reel____, Frame____, or a copy of which is attached.

2. From:_____ To:_____
The document was recorded in the Patent and Trademark Office at Reel____, Frame____, or a copy of which is attached.

3. From: _____ To: _____
The document was recorded in the Patent and
Trademark Office at Reel _____,
Frame _____, or a copy of which is
attached.

The undersigned (whose title is supplied below) is empowered
to act on behalf of the assignee.

Signature:  _____

Dated: July 24, 2003

Name : Steven M. LeVahn

TITLE: President

ASSIGNMENT

Attorney Docket No.

M81.12-0060

WHEREAS, we, Christopher Lee Berg of Blaine, Minnesota, USA; Todd W. Sharratt of Birchwood, Minnesota, USA; and Steven M. LeVahn of Lino Lakes, Minnesota, USA, (hereinafter referred to as ASSIGNORS), are the inventors of an invention described in an application for Letters Patent of the United States entitled METHOD AND APPARATUS FOR REPLACING KNEE-JOINT, the application having been executed on even date herewith, and/or being identifiable in the United States Patent and Trademark Office by Application No. _____, filed July 18, 2003; and

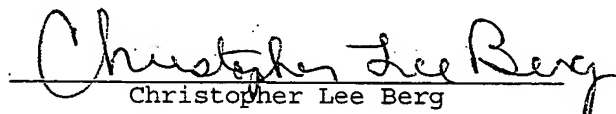
WHEREAS, Minnesota Scientific, Inc., a corporation organized and existing under the laws of the State of Minnesota, and having offices at 4849 White Bear Parkway, St. Paul, Minnesota 55110, USA, ("Assignee") is desirous of acquiring the entire right, title and interest in and to the invention, the application, and any and all Letters Patent or similar legal protection, foreign or domestic, to be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, I transfer to Assignee, its successors and assigns, my entire right, title and interest in and to the invention, the above-identified application, corresponding domestic and foreign applications, all Letters Patent or similar legal protection issuing thereon, and all rights and benefits under any applicable treaty or convention; and I authorize the Director of the United States Patent and Trademark Office or foreign equivalent thereof to issue the Letters Patent or similar legal protection to the Assignee.

I authorize the Assignee, its successors and assigns, to insert in this instrument the filing date and serial number of the application when ascertained.

I authorize the Assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent or similar legal protection, in its own name if desired, in any and all foreign countries.

I represent to the Assignee, its successors and assigns, that I have not and shall not execute any writing or do any act whatsoever conflicting with this Assignment. I, my executors or administrators, will at any time upon request, without additional consideration, but at the expense of the Assignee, its successors and assigns, execute such additional writings and do such additional acts as the Assignee, its successors and assigns, may deem desirable to perfect its enjoyment of this grant, and render all assistance in making application for and obtaining, maintaining, and enforcing the Letters Patent or similar legal protection on the invention in any and all countries.

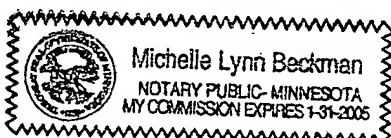

Christopher Lee Berg

STATE OF Minnesota)
COUNTY OF Anoka) ss.

Subscribed and sworn to before me, a Notary Public, this 8th day of August, 2003.


Notary Public

(SEAL)



Todd William Sharratt

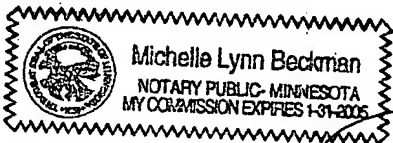
Todd William Sharratt

STATE OF Minnesota)
COUNTY OF Anoka) ss.

Subscribed and sworn to before me, a Notary Public, this 8th day
of August, 2003.

Michelle Lynn Beckman
Notary Public

(SEAL)



Steven Mark LeVahn

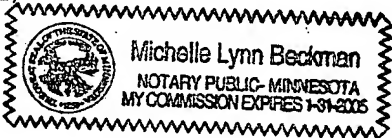
Steven Mark LeVahn

STATE OF Minnesota)
COUNTY OF Anoka) ss.

Subscribed and sworn to before me, a Notary Public, this 8th day
of August, 2003.

Michelle Lynn Beckman
Notary Public

(SEAL)





POWER OF ATTORNEY

Attorney Docket No.

M81.12-0060

Inventor(s): Christopher Lee Berg et al.

Title : METHOD AND APPARATUS FOR REPLACING KNEE-JOINT

In the patent application:

___ identified above (and submitted to the Patent and Trademark Office herewith).

X filed on July 18, 2003 as Application No.

I appoint the following attorneys and agents to prosecute the patent application identified above and to transact all business in the Patent and Trademark Office connected therewith, including full power of association, substitution and revocation: Nickolas E. Westman, Reg. No. 20,147; Judson K. Champlin, Reg. No. 34,797; Joseph R. Kelly, Reg. No. 34,847; Steven M. Koehler, Reg. No. 36,188; David D. Brush, Reg. No. 34, 557; John D. Veldhuis-Kroeze, Reg. No. 38,354; Deirdre Megley Kvale, Reg. No. 35,612; Theodore M. Magee, Reg. No. 39,758; Christopher R. Christenson, Reg. No. 42,413; Brian D. Kaul, Reg. No. 41,885; Robert M. Angus, Reg. No. 24,383; and Christopher L. Holt, Reg. No. 45,844; Alan G. Rego, Reg. No. 45,956; David C. Bohn, Reg. No. 32,015; Todd R. Fronek, Reg. No. 48,516; Nathan M. Rau, Reg. No. 45,466; Linda P. Ji, Reg. No. 49,027; and Leanne R. Taveggia, Reg. No. 53,675.

I ratify all prior actions taken by Westman, Champlin & Kelly, P.A. or the attorneys and agents mentioned above in connection with the prosecution of the above-mentioned patent application.

I authorize Westman, Champlin & Kelly, P.A. to mark the appropriate space above and to insert the filing date and Serial No. of the application, as appropriate.

Please address all correspondence and telephone calls to Z. Peter Sawicki in care of:

WESTMAN, CHAMPLIN & KELLY P.A.
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

Signature: _____

Steven M. LeVahn

Dated: July 24, 2003

Title : President